UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Justin Mark,	Case No. 21-cv-1646 (SRN/TNL)
Petitioner,	
v.	**REPORT AND RECOMMENDATION**
B. Birkholz, *Warden of Federal Prison Camp Duluth*, and Michael Carvajal, *Director of the Federal of Prisons*, *in their official capacities*,	
Respondents.	

In an Order dated September 1, 2021, this Court ordered Mark to submit this action's filing fee or an application to proceed *in forma pauperis*. [ECF No. 5.] Mark was given 21 days—that is, until September 22, 2021—to make this submission, failing which it would be recommended that this action be dismissed without prejudice for failure to prosecute. *See* Fed. R. Civ. P. 41(b).

That deadline has passed, and Mark has not submitted a filing fee or an IFP application. (In fact, Mark has not communicated with the Court about this case at all since commencing this action.) Accordingly, this Court now recommends dismissing this action without prejudice under Rule 41(b) for failure to prosecute. *See, e.g.*, *Henderson v. Renaissance Grand Hotel*, 267 F. App'x 496, 497 (8th Cir. 2008) (per curiam) ("A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff's failure to prose-

cute, or to comply with the Federal Rules of Civil Procedure or any court order.").

Dated: October____12____, 2021   _____*s/ Tony N. Leung*_____
                                                            Tony N. Leung
                                                            United States Magistrate Judge
                                                            District of Minnesota

                                                            Mark v. Birkholz et al.
                                                            Case No. 21-cv-1646 (SRN/TNL)

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), "a party may file and serve specific written objections to a magistrate judge's proposed finding and recommendations within 14 days after being served a copy" of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. *See* Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).